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Convention on the Rights of the Child

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Committee on the Rights of the Child
Sixty-eighth session

Summary record (partial)* of the 1931st (Chamber A) meeting
Held at the Palais Wilson, Geneva, on Monday, 12 January 2015, at 3 p.m.

Chairperson: Ms. Sandberg

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties

Initial report of Cambodia on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/KHM/1)

1. *At the invitation of the Chairperson, the delegation of Cambodia took places at the Committee table.*

2. **Mr. Ith** (Cambodia) said that Cambodia had ratified the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2002. Cambodia currently enjoyed healthy economic growth and the rate of poverty had been reduced. Budgetary allocations for social affairs, education and health had been increased for 2015 compared to 2014. Support for vulnerable children had been strengthened.

3. The Ministry of Social Affairs, Veterans and Youth Rehabilitation ensured that private and public residential care centres complied with the relevant national standards. There were currently 225 orphanages, housing nearly 12,000 children (including children with disabilities); 22 of those establishments were State-run and catered for more than 2,200 orphans. Orphanages provided education, vocational training and reintegration services.

4. The Government was working to eliminate the worst forms of child labour; provide children with access to education, vocational training and social reintegration; and combat trafficking in persons. Programmes to provide educational support and improve the livelihoods of families were being implemented in the context of a road map to eliminate the worst forms of child labour by 2016. As a result, over 1,000 children had been removed from child labour in 2013 and had been provided with vocational training. Steps had also been taken to provide the parents of vulnerable children with financial support.

5. A committee had been set up to implement the National Plan of Action on the Suppression of Human Trafficking, Smuggling, Labour and Sexual Exploitation and the Law on Suppression of Human Trafficking and Sexual Exploitation. More than 300 victims of human trafficking and sexual exploitation, including 125 children, had been rescued in 2013, and 132 perpetrators had received prison sentences in the capital and provincial courts. A new national plan of action was being developed for 2014–2018. The Cambodia National Council for Children (CNCC) had recently completed a review of the legal child protection framework and had made a number of recommendations on the amendment of existing legislation and the introduction of new child protection laws and regulations. Moreover, the Council had assisted in the drafting of legislation and a code of conduct on the protection of children's rights and welfare and the prohibition of child pornography; developed a five-year national plan for child development (2014–2018); and set up a national committee on child protection.

6. **The Chairperson**, lauding the efforts made by the Government of Cambodia to implement the Optional Protocol, asked whether any assessment had been made of the results of the national action plan to combat trafficking and sexual exploitation of children. She wished to know whether a new plan had been prepared or whether the activities concerned were covered by a broader five-year national development plan. In the latter case, would sufficient resources be made available to ensure effective implementation?

7. The Cambodia National Council for Children (CNCC) had done effective work in relation to the Optional Protocol but its activities and those of a number of other national

bodies seemed to overlap. She asked how those activities were coordinated and whether the CNCC was sufficiently well funded.

8. On the subject of data, she noted that the various systems in place were fragmented and asked whether it was planned to improve the situation in that regard. She asked what was being done to raise awareness of the offences covered by the Optional Protocol, particularly in the area of sexual exploitation. Was it planned to include those issues in school curricula? She understood that judicial officials, particularly those based in remote rural areas, did not receive sufficient training on the offences in question. More training was also needed for social workers, together with an increase in resources for social work, particularly at the local level. There was a lack of complaints mechanisms for children and the existing 24-hour telephone hotline only covered certain areas of the country. There was no obligation to report instances of child abuse and insufficient provision had been made for the detection and reporting of sexual exploitation.

9. With regard to prevention, she asked what measures had been planned to reduce poverty, which appeared to be the driving force behind sexual exploitation. She also asked what was being done to make children, particularly street, migrant and unaccompanied children, less vulnerable and whether screening for sexual exploitation was carried out when children were taken into State facilities. Noting that the birth registration rate in the poorest quintile was just under 50 per cent, she underscored the difficulty of protecting unregistered children.

10. The labour laws on prevention did not cover children working in the informal sector or those carrying out hazardous work. Minors over the age of 16 could work in the entertainment sector but were prohibited by law from entering places of entertainment for adults; it was not clear which legislation took precedence in that regard. Laws designed to curb prostitution did not cover minors under the age of 18 working in beer gardens and other premises, who might well be propositioned by clients. She requested clarification in that regard.

11. Sex tourism involving children was on the increase. She enquired about the extent of the practice of moto-taxi drivers reporting sex tourism offences and whether there were any plans to extend the geographical coverage of the 24-hour telephone hotline. Did the Government intend to launch awareness-raising campaigns in rural areas regarding the increasing level of recruitment of children for purposes of sexual exploitation? More research was required on the causes of sexual exploitation and the use of the Internet in that regard, as well as on prostitution involving boys. As to child pornography, she asked whether there were any educational programmes on the issue of Internet safety and whether Cambodia had a sex-offender registration system.

12. Existing domestic legislation prohibited trafficking in persons for the purpose of sexual exploitation involving the use of deception, force or coercion; however, where children were concerned, all trafficking should be prohibited regardless of the methods employed.

13. According to alternative sources, the definition of the sale of children contained in national law did not cover offering, delivering or accepting, by whatever means, a child for the purpose of sexual exploitation, transfer of organs for profit or forced labour. Moreover, the definition of child pornography in domestic legislation did not cover images of sexual organs or written or audio materials involving child pornography. Possession of child pornography and the use of information and communications technology to access child pornography and groom children were not criminalized. Sex tourists were rarely prosecuted, owing to out-of-court settlements and corruption. The Government should take action to improve the skills of the officials responsible for investigating cases of sex tourism. She

urged Cambodia to use the Optional Protocol as a basis for the extradition of child sex offenders.

14. Child victims of sexual exploitation either did not know where to report abuse or felt that it was not worth attempting to do so. Moreover, the capacity of the police to respond to such reports was limited. She asked whether the Government intended to establish a victim and witness protection programme and whether there were plans to provide such individuals with free legal aid. Would the recovery and reintegration measures for victims of trafficking be extended to cover victims of other offences listed in the Optional Protocol and were any State-run programmes in place to deal with that issue?

15. **Ms. Khazova** asked what measures had been taken to prevent the use of adoption for the purpose of the sale of children or for other purposes covered by the Optional Protocol.

16. **Mr. Gastaud** (Country Rapporteur) asked how conflicts between the provisions of the Convention and those of domestic law were reconciled and whether the relevant provisions of domestic law had been revised following the ratification of the Optional Protocol by Cambodia. With regard to coordination, he wished to know how much influence the Cambodia National Council for Children had over the various ministries and what action it could take if those ministries failed to take account of its recommendations.

17. **The Chairperson** welcomed the fact that the delegation included representatives from the Ministry of Economy and Finance, which would have a key role to play in implementing the Committee's recommendations.

The meeting was suspended at 3.50 p.m. and resumed at 4.20 p.m.

18. **Mr. Ith** (Cambodia) said that it was planned to incorporate the Optional Protocol in university curricula and training programmes for prosecutors and police officers. Provision for its dissemination had been made in the draft National Plan of Action on the Suppression of Human Trafficking, Smuggling, Labour and Sexual Exploitation.

19. Complaints of rights violations could be lodged with the Cambodian Human Rights Committee, and a complaints mechanism set up within the court system was accessible in all provinces and to all citizens, including children.

20. **The Chairperson** asked whether the mechanism was well known and used in practice.

21. **Mr. Ith** (Cambodia) said that the Ministry of Justice had taken steps to raise awareness of the mechanism, partly through the distribution of informative videos to other government ministries and NGOs. Under the Criminal Code, civil servants had a responsibility to report rights violations that were brought to their attention.

22. The Law on Tourism prohibited minors from entering entertainment venues intended for adult tourists. The Ministry of Tourism had established a working group to monitor such venues and enforce the law in cooperation with the police. Moreover, the Labour Law stipulated that minors aged 16 and over could not work at night or in hazardous occupations. The Government was responding to the issue of child sex tourism. A working group had been set up to draft a law on the matter and liaise with authorities in neighbouring countries to review existing legislation and identify child sex tourism offences. Child pornography was strictly forbidden in Cambodia. In the past, tourists had been punished for taking indecent images of children in public places.

23. **Ms. Chou** (Cambodia) said that steps had been taken to assess the effectiveness of the National Plan of Action on the Suppression of Human Trafficking, Smuggling, Labour and Sexual Exploitation. The new plan that was being drafted contained specific provisions related to child trafficking. Victim support centres had been created and a database had

been developed to collate information held by government ministries. The Ministry of Justice and the National Committee to Combat Trafficking in Persons were drafting policies aimed at helping child victims to leave the centres and return to society.

24. **Mr. Men** (Cambodia) said that the Ministry of Social Affairs, Veterans and Youth Rehabilitation was working at the provincial level to ensure that all citizens had access to welfare provision and that social workers received adequate training. The Law on Intercountry Adoption was under review. Pending the approval of a revised bill, no intercountry adoptions were being authorized owing to fears over human trafficking. The Government was holding talks with the adoption authorities to decide how best to proceed.

25. **Ms. Bou** (Cambodia) said that the Cambodia National Council for Children, which had been established in 1995, was the body responsible for implementing the Convention and its Optional Protocols in the country. To that end, it had developed the National Plan for Child Development for the period 2014–2018, which was being implemented under a budget allocated by the Ministry of Economy and Finance. The Council was also working closely with the National Committee to Combat Trafficking in Persons in order to address the specific issue of child trafficking.

26. **The Chairperson** said that it was unclear how the role and responsibilities of the Cambodia National Council for Children differed from those of the National Committee to Combat Trafficking in Persons, and invited the delegation to provide further clarification.

27. **Ms. Chou** (Cambodia) said that the tasks undertaken by the two bodies did not overlap. The role of the Council was to coordinate all government measures and policies related to the situation of children. The Committee, for its part, focused on the prevention of human trafficking through relevant legislation, victim support and rehabilitation, and the prosecution of perpetrators. Although it cooperated and shared information with the Council, its remit was to tackle human trafficking and organized crime.

28. **The Chairperson**, noting that concerns had been raised over the level of budgetary allocations to the Cambodia National Council for Children, asked whether there had been any increase in those allocations.

29. **Mr. Men** (Cambodia) said that the Council had been allocated more resources and had hired 18 new staff members. It continued to cooperate with the Ministry of Economy and Finance with a view to securing further budget increases.

30. **Ms. Keo** (Cambodia) said that there had been a significant increase in the budget allocated to the Ministry of Social Affairs, Veterans and Youth Rehabilitation for the purpose of implementing the National Strategic Development Plan 2014–2018.

31. **Ms. Chou** (Cambodia) said that the birth registration system was being reformed in order to place greater emphasis on street and migrant children. A working group had been established to gather statistics at the community level and identify unregistered children. Mobile teams had also been set up to improve access to birth registration, which was free of charge.

32. **The Chairperson** enquired about the status of the Law on Intercountry Adoption.

33. **Mr. Men** (Cambodia) said that the Law was still under review. A working group had been created to ensure minimum standards of care in the 22 centres for foster children in Cambodia.

34. **Mr. Gastaud**, referring to the Mobile Campaign for Registration of Vital Statistics mentioned in paragraph 26 of the replies to the list of issues, asked what results had been achieved. He also wished to know whether birth statistics gathered at the local level were collated to provide a national picture.

35. **Ms. Chou** (Cambodia) said that a computerized database had been set up to pinpoint gaps and promote birth registration across the country, particularly in rural areas.

36. **The Chairperson** requested additional information on the 24-hour hotline for receiving complaints that was mentioned in paragraph 31 of the State party report. In particular, the delegation should comment on reports that the hotline was available only in certain provinces. She also enquired about poverty prevention measures and programmes, particularly those directed at street and migrant children. Lastly, the delegation should supply more detailed information regarding the prohibition of child pornography, and comment on alleged loopholes in national legislation on prostitution that left children working in beer gardens vulnerable to sexual abuse.

37. **Mr. Ith** (Cambodia) said that the helpline provided 24-hour, countrywide coverage. The Government took the issue of child sex tourism very seriously and had taken specific preventive measures, such as stepping up police monitoring in at-risk areas and carrying out awareness-raising campaigns at the community level. Child pornography was clearly prohibited under the law and persons who took photographs of naked children were arrested and prosecuted.

38. **Mr. Madi** asked whether the Optional Protocol could be considered as a basis for extradition in the absence of an extradition treaty. He also asked whether Cambodia had asserted extraterritorial jurisdiction over all related offences.

39. **Mr. Gastaud** requested data on any individuals that had been investigated and prosecuted for offences covered by the Optional Protocol as well as further information on the State party's policy regarding the protection of street children.

40. **The Chairperson** asked whether she was correct in her understanding that Cambodian law did not extend to photographs of children's sexual organs or audiovisual pornographic materials and that the possession of child pornography was not a criminal offence.

41. **Mr. Ith** (Cambodia), citing the example of a Japanese tourist who had been arrested and tried for taking photographs of naked children playing on a beach, said that taking such photographs was an offence when the purpose was pornographic or commercial. The Ministry of Justice was building its capacity to protect children. Cambodia had extraterritorial jurisdiction over all offences committed by its nationals abroad.

42. **Mr. Gastaud** asked what penalty had been imposed on the Japanese tourist.

43. **Mr. Ith** (Cambodia) replied that, although he did not have specific details of sentence, such offences were subject to a minimum of 5 years' imprisonment.

44. **Mr. Madi**, referring to the case of the Japanese tourist, asked whether photographing naked children in private, as opposed to public places, was also an offence. Did the State party intend to criminalize the possession of child pornography?

45. **Mr. Ith** (Cambodia) said that the act of photographing a naked child was an offence, irrespective of the location; possession had not yet been defined but a review was under way to determine what acts would constitute possession.

46. **The Chairperson**, pointing out that Cambodia had been a party to the Optional Protocol for 10 years, asked who was conducting the review and whether there was a deadline for its completion and the adoption of any legislative measures.

47. **Mr. Ith** (Cambodia) said that lawyers were discussing the issue of possession and were studying the approach taken by other countries. The Criminal Code provided for extradition in the absence of a specific treaty with another country and had been used in 2011 to extradite foreign men accused of abusing Cambodian children.

48. **Mr. Madi** asked where the abuse had taken place.

49. **Mr. Ith** (Cambodia) replied that, for the most part, the abuse had occurred in the offenders' country of origin, which had then requested extradition.

50. **Mr. Gastaud** asked whether those men had been brought to justice.

51. **Mr. Ith** (Cambodia) said that the authorities had no detailed information in that regard. However, they had on at least one occasion cooperated closely with their counterparts in the United States of America during both the investigation and trial phases.

52. **The Chairperson** asked whether child victims and witnesses were entitled to legal aid and what alternatives were being considered to spare them having to appear in court.

53. **Mr. Ith** (Cambodia) said that there was no juvenile justice system, but that the Government was drafting a law on the matter that would address all relevant issues. Select courts were equipped with video links so that children did not have to be confronted with the alleged offenders.

54. **The Chairperson** asked whether that meant that all cases involving children were heard at the specially equipped courts or that not all children benefited from such protective measures.

55. **Mr. Ith** (Cambodia) replied that the video option was being piloted in areas with a higher incidence of offences against children. In courts elsewhere, children could be shielded from the defendants by means of a screen. If children did not have the means to hire a lawyer, one was appointed for them by the court at no cost.

> *Initial report of Cambodia on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict* (CRC/C/OPAC/KHM/1; CRC/C/OPAC/KHM/Q/1 and Add.1)

56. **Mr. Gastaud** (Country Rapporteur) commended the State party on raising the minimum age for enrolment in the armed forces to 18, but observed that certain definitions contained in the Criminal Code were not in line with the Optional Protocol. He asked how the State party could assert that there were no children involved in the armed forces if it was unable to provide any relevant figures. Moreover, how did the authorities ascertain a child's age if that child did not have the requisite identity documents? Noting that rehabilitation and reintegration efforts appeared to be limited, especially in northern parts of the country bordering conflict areas, he enquired about measures to identify and rehabilitate potential child victims. Pointing out that some groups still had poor knowledge of human rights, he wished to know what steps the Government intended to take to address that issue. He asked whether Cambodia had extraterritorial jurisdiction over offences covered in the Optional Protocol. Lastly, drawing the delegation's attention to a discrepancy between the report and the replies to the list of issues, he asked whether or not weapons were produced in the country.

The discussion covered in the summary record ended at 5.50 p.m.